

**AMENDMENTS TO THE CLAIMS WITH MARKINGS TO SHOW CHANGES
MADE, AND LISTING OF ALL CLAIMS WITH PROPER IDENTIFIERS**

1. (Currently amended) An apparatus for location of an instrument ~~or appliance,~~
having comprising at least one magnet which produces a magnetic moment at
right angles perpendicular to the ~~appliance shaft~~ an axis of the instrument and
~~can be rotated~~ is rotatable independently of the instrument ~~or appliance~~.
2. (Currently amended) The apparatus as claimed in claim 1, ~~characterized by~~
further comprising at least one receiver which detects the three
time-dependent magnetic field components ~~$H_x(t)$, $H_y(t)$ and $H_z(t)$.~~
3. (Currently amended) The apparatus as claimed in claim 1 ~~or 2, characterized~~
~~by~~ further comprising an evaluation unit ~~by means of which the~~ for determining
at least one parameter selected from the group consisting of position,
direction of the ~~appliance shaft~~ the instrument axis, and/or roll angle of the
~~appliance can be determined~~ instrument.
4. (Currently amended) The apparatus as claimed in ~~one of the preceding~~
~~claims~~ claim 1, ~~characterized by~~ further comprising a magnetic field sensor
~~which is attached to~~ disposed in the ~~appliance shaft~~ instrument axis, and a
magnet which is ~~separated from~~ disposed outside the ~~appliance shaft~~
instrument axis.
5. (Currently amended) The apparatus as claimed in claim 1, ~~characterized by~~
~~an appliance shaft~~ wherein the instrument is mounted on a rotatable shaft
which defines the instrument axis, ~~said~~ can rotate and a magnet which is
being attached to the appliance instrument shaft.

6. (Currently amended) The apparatus as claimed in claim 5, ~~characterized by further comprising a drive for rotating the magnet which is independent of the appliance instrument shaft.~~
7. (Currently amended) The apparatus as claimed in claim 6, ~~characterized by wherein the drive is an electrical drive for the magnet.~~
8. (Currently amended) The apparatus as claimed in claim 6, ~~characterized by wherein the drive is a hydraulic drive using liquid which drives to drive the magnet.~~
9. (Currently amended) The apparatus as claimed in claim 6, ~~characterized in that the wherein a roll angle of the appliance can be instrument is measured by means of a further variable magnetic field component of the magnetic field, which depends on the roll angle.~~
10. (Currently amended) The apparatus as claimed in claim 9, ~~characterized by further comprising means for production of reproduceable providing a reproducible deflection of the magnet from its rotation axis.~~
11. (Currently amended) The apparatus as claimed in claim 9, ~~characterized by further comprising a coupling which temporarily interrupts the rotation of the magnet.~~
12. (Currently amended) The apparatus as claimed in claim 9, ~~characterized by a wherein the magnet which is composed of magnet elements that move with respect to one another and whose elements are shifted by a driver at a specific roll angle.~~

13. (Currently amended) The apparatus as claimed in ~~one of the preceding claims~~ claim 1, ~~characterized in that the appliance or the appliance tip wherein the instrument~~ has a member selected from the group consisting of drill, cutting or impact apparatus, at least one needle, and ~~or~~ at least one set of forceps.
14. (Currently amended) The apparatus as claimed in ~~one of the preceding claims~~ claim 1, ~~characterized in that the appliance or the appliance tip wherein the instrument~~ has at least one opening for ejection of a liquid.
15. (Currently amended) The apparatus as claimed in ~~one of the preceding claims~~ claim 1, ~~characterized in that the appliance or the appliance tip wherein the instrument~~ has an apparatus for production/emission of light beams, laser beams, radioactive beams, sound waves or ultrasound waves.
16. (Currently amended) The apparatus as claimed in ~~one of the preceding claims~~ claim 1, ~~characterized in that the appliance or the appliance tip wherein the instrument~~ has an apparatus for recording optical images or ultrasound images.
17. (Currently amended) The apparatus as claimed in ~~one of the preceding claims~~ claim 1, ~~characterized in that the appliance or the appliance tip wherein the instrument~~ has an apparatus for emission of electrical pulses or for recording electrical data.
18. (Currently amended) The apparatus as claimed in claim 1, ~~characterized by further comprising~~ two or more transmitters and/or receivers for processing signals commensurate with a position of the instrument at different points.

19. (Currently amended) The apparatus as claimed in claim 18, ~~characterized by~~
wherein each transmitter is constructed as a permanent magnet and/or
electromagnet as the transmitter[[,]] and configured for a transmitter
identification by different frequencies, amplitudes and/or by the production of
different analog or digital values.
20. (Currently amended) The apparatus as claimed in ~~one of the preceding~~
~~claims~~ claim 1, ~~characterized by~~ further comprising a frequency modulation of
the frequency and/or of the amplitude modulation for variation of the magnetic
field generated by the magnet.
21. (Currently amended) The apparatus as claimed in ~~one of the preceding~~
~~claims~~ claim 1, ~~characterized by~~ further comprising a gradual shielding of a
the magnet.
22. (Currently amended) A method ~~for location of~~ determining the location of an
~~instrument or appliance, characterized in that~~ comprising the steps of
providing at least one magnet, which rotates in the an area of the instrument
~~or appliance, produces to produce~~ a magnetic moment at right angles to the
perpendicular to an body axis of the instrument, and detecting the three
time-dependent magnetic field components $H_x(t)$, $H_y(t)$ and $H_z(t)$ ~~are detected~~
of the magnetic field.
23. (Currently amended) A method ~~for location of~~ determining the location of an
~~appliance instrument, characterized by the production~~ comprising the steps of
producing a magnetic moment at right angles to ~~an appliance shaft by means~~
of a rotating magnet perpendicular to an axis of the instrument, with the
magnet[[,]] configured as a transmitter, ~~being and~~ connected to the ~~appliance~~
instrument, and ~~with the~~ detecting three time-dependent magnetic field
components $H_x(t)$, $H_y(t)$ and $H_z(t)$ ~~being detected by means of a receiver.~~

24. (Currently amended) ~~[[A]] The method for location of an appliance, characterized by the production of a magnetic moment at right angles to an appliance shaft by means of a rotating magnet, with the magnet, as a transmitter, being connected to the appliance, the three time-dependent magnetic field components $H_x(t)$, $H_y(t)$ and $H_z(t)$ being detected by means of a receiver as claimed in claim 23, wherein the detecting step yields data, and further comprising the step of determining a position, the direction of the appliance shaft instrument axis and the roll angle of the appliance being determined instrument from this the data.~~
25. (Currently amended) The method as claimed in claim 22 ~~[[or 24]], characterized by determination of~~ further comprising the step of determining a the distance and direction of two measurement points or measurement areas with respect to one another.
26. (Currently amended) The method as claimed in ~~one of claims claim 22 to 25,~~ characterized by further comprising the step of frequency modulation for variation of the magnetic field generated by the magnet.
27. (Currently amended) The method as claimed in claim 26 for frequency-selective amplification, for elimination of disturbance fields, or for distinguishing between different magnetic probes.
28. (Currently amended) The method as claimed in ~~one of claims claim 22 to 27,~~ characterized by an electromagnet and further comprising the step of gradual variation of the current supply to an electromagnet, or an electromagnet being switched on and off.

29. (Currently amended) ~~Use of the~~ The apparatus as claimed in ~~one of claims 1 to 3 or of the method as claimed in one of claims 22 to 28~~ claim 1 for use in one or more of the following purposes: obtaining endoscopic images for diagnostic purposes, obtaining electrical or electrophysiological data, examination of blood vessels and the treatment of vessel constrictions, carrying out and/or monitoring operative actions on the brain, heart or on the intestinal tract, implantation of organ and tissue spare parts, joint prostheses, electromagnetic probes and pulse transmitters, heart pacemakers, vessel spare parts and catheters, removal or destruction of gallstones or kidney stones, inflamed tissue, tumor tissue, bone or joint material, deliberate emission of therapeutic substances to debilitated tissue or tumor tissue, irradiation of tumor tissues, determination of the position, feed axis and roll angle in real time, measurement of the rotation rate or of a change in the rotation rate.
30. (Currently amended) ~~Use of the~~ The apparatus as claimed in claim 6 ~~or 8~~ for determination of the flow rate or emission rate of a liquid.
31. (New) The method as claimed in claim 23, further comprising the step of frequency modulation for variation of the magnetic field generated by the magnet.
32. (New) The method as claimed in claim 23, further comprising the step of gradual variation of the current supply to an electromagnet, or an electromagnet being switched on and off.